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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/700,558	11/05/2003	Youhei Toyoshima	062709-0116	1042
22428	7590 10/31/2006		EXAMINER	
FOLEY AND LARDNER LLP			LUKS, JEREMY AUSTIN	
SUITE 500 3000 K STREET NW			ART UNIT PAPER NUMBER	
WASHINGTON, DC 20007			2837	
			DATE MAILED: 10/31/2006	

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action Before the Filing of an Appeal Brief

Application No.	Applicant(s)	
10/700,558	TOYOSHIMA, YOUHEI	
Examiner	Art Unit	
Jeremy Luks	2837	

	Jeremy Luks	2837	
The MAILING DATE of this communication appe	ars on the cover sheet with the o	orrespondence add	ress
THE REPLY FILED 12 October 2006 FAILS TO PLACE THIS A		•	
1. The reply was filed after a final rejection, but prior to or on this application, applicant must timely file one of the follow places the application in condition for allowance; (2) a No a Request for Continued Examination (RCE) in compliance time periods:	the same day as filing a Notice of wing replies: (1) an amendment, af- tice of Appeal (with appeal fee) in ce with 37 CFR 1.114. The reply m	Appeal. To avoid aba fidavit, or other evider compliance with 37 C	nce, which FR 41.31; or (3)
a) \boxtimes The period for reply expires 3 months from the mailing date			
b) The period for reply expires on: (1) the mailing date of this A no event, however, will the statutory period for reply expire is Examiner Note: If box 1 is checked, check either box (a) or TWO MONTHS OF THE FINAL REJECTION. See MPEP 7	ater than SIX MONTHS from the mailin (b). ONLY CHECK BOX (b) WHEN TH 06.07(f).	g date of the final rejecti E FIRST REPLY WAS F	on. ILED WITHIN
Extensions of time may be obtained under 37 CFR 1.136(a). The date have been filed is the date for purposes of determining the period of ex under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the set forth in (b) above, if checked. Any reply received by the Office later may reduce any earned patent term adjustment. See 37 CFR 1.704(b)	tension and the corresponding amount shortened statutory period for reply orig r than three months after the mailing da	of the fee. The appropr inally set in the final Offi	iate extension fee ce action; or (2) a
NOTICE OF APPEAL 2. The Notice of Appeal was filed on A brief in comp filing the Notice of Appeal (37 CFR 41.37(a)), or any exte a Notice of Appeal has been filed, any reply must be filed AMENDMENTS	nsion thereof (37 CFR 41.37(e)), to	avoid dismissal of th	ns of the date of e appeal. Since
 The proposed amendment(s) filed after a final rejection, They raise new issues that would require further co They raise the issue of new matter (see NOTE belo They are not deemed to place the application in beto 	nsideration and/or search (see NOw);	TE below);	
appeal; and/or (d) ☐ They present additional claims without canceling a NOTE: <u>See Continuation Sheet</u> . (See 37 CFR 1.1	corresponding number of finally re		110 10000 101
 4. The amendments are not in compliance with 37 CFR 1.1 5. Applicant's reply has overcome the following rejection(s) 	21. See attached Notice of Non-Co	·	
 Newly proposed or amended claim(s) would be all non-allowable claim(s). 	llowable if submitted in a separate,	timely filed amendme	ent canceling the
7. For purposes of appeal, the proposed amendment(s): a) how the new or amended claims would be rejected is protected. The status of the claim(s) is (or will be) as follows: Claim(s) allowed: Claim(s) objected to: Claim(s) rejected: 17-28. Claim(s) withdrawn from consideration:		ll be entered and an e	explanation of
AFFIDAVIT OR OTHER EVIDENCE			_
 The affidavit or other evidence filed after a final action, but because applicant failed to provide a showing of good an was not earlier presented. See 37 CFR 1.116(e). 			
 The affidavit or other evidence filed after the date of filing entered because the affidavit or other evidence failed to c showing a good and sufficient reasons why it is necessar The affidavit or other evidence is entered. An explanation 	overcome <u>all</u> rejections under appe y and was not earlier presented. S	al and/or appellant fa ee 37 CFR 41.33(d)(ils to provide a 1).
REQUEST FOR RECONSIDERATION/OTHER			
11. The request for reconsideration has been considered but	it does NOT place the application i	n condition for allowa	nce because:
12. Note the attached Information Disclosure Statement(s). 13. Other:	(PTO/SB/08) Paper No(s).	THE ALM DONOVAN VISORY PATENT EX	AMINER
	SUPERI	10-	

Continuation of 3. NOTE: The amendment to Claim 17 changes the scope of the claims and will require further search and/or consideration.

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